



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 13-69

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. DSP-90076/04

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 6, 2013, regarding Detailed Site Plan DSP-90076/04 for Tantallon on the Potomac, Lot 6, Block E, the Planning Board finds:

1. **Request:** The subject detailed site plan is for the construction of a 3,308-square-foot single-family detached dwelling on a vacant and wooded property within the Chesapeake Bay Critical Area (CBCA). The approval of a conservation plan by the Planning Board is required prior to the issuance of permits in the Chesapeake Bay Critical Area (CBCA) because the approval of a variance to Subtitle 5B of the Prince George's County Code is required. The Planning Board's decision regarding the conservation plan is contained in PGCPB Resolution No. 13-68.
2. **Location:** The 0.46-acre property is located on the east side of Firth of Tae Drive 700 feet south of its intersection with Swan Creek Road. The property address is 12308 Firth of Tae Drive, Fort Washington.
3. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R/L-D-O	R-R/L-D-O
Use(s)	Vacant	Residential
Acreage	.46	.46
Total Gross Floor Area (GFA)	0	3,308 sq. ft.
Areas not included in GFA		
3-car garage		(638 sq. ft)
Unfinished Basement		(1,536 sq. ft)

OTHER DEVELOPMENT DATA

	REQUIRED	APPROVED
Maximum Building Height	35 ft.	35 ft.
Maximum Lot Coverage (per R-R Zone)	25 percent	20 percent
Minimum Front Yard Setback	25 ft.	59 ft.
Minimum Side Yard Setbacks	8 ft./17ft.	18 ft./44 ft.

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4. **Surrounding Uses:** The subject property is located within the Rural-Residential (R-R) and Limited Development Overlay (LDO) Zone within the Chesapeake Bay Critical Area (CBCA) and is surrounded by identically-zoned properties within the Tantallon on the Potomac Subdivision. Swan Creek Road is located north of the subject property. A tributary of the Potomac River is located south and east of the subject property, beyond which to the east is the Tantallon Marina. The Potomac River is located approximately 0.4 miles west of the subject property.

5. **Previous Approvals:** The site was previously reviewed as part of Detailed Site Plan, SP-90076 with a Type II Tree Conservation Plan TCPII-183-90. A Chesapeake Bay Critical Area Conservation Plan, CP-89036, (Battersea on the Bay, Lot 17B) was approved by the Planning Board on December 21, 1989, and included approximately 38.6 acres of Parcel 52 of Tax Map 131. The Preliminary Plan of Subdivision 4-89176 was approved by PGCPB Resolution No. 89-652 on December 21, 1989. A limited Detailed Site Plan, DSP-90076, was approved by the Planning Board on October 18, 1990 and incorporated into the revised Conservation Plan, CP-89036-01, which was approved the same day. The subject lots were recorded by Final Plat VJ 157-36 on February 25, 1991.

Detailed Site Plan DSP-90076 was vested by the construction of residential structures on Lot 8 and Lot 9. The subject property was included in Conservation Plan CP-89039, but not in any subsequent revisions.

The approved Type II Tree Conservation Plan TCPII-183-90 for the site became invalid with the current regulations when TCP2s were no longer required for applications within the Chesapeake Bay Critical Area.

The site is subject to the current Chesapeake Bay Critical Area (CBCA) regulations in Subtitle 5B of the Prince George's County Code. This lot had a previous approval for a single-family dwelling with a driveway to an attached garage in October 1990, which was revised in August 2005. According to Section 5B-116 (g), this approval has since expired because the plan validity period is only for three years after approval. No one-year extensions were received after the three year approval time expired.

6. **Design Features:** The 0.46-acre, wooded property is located on the east side of Firth of Tae Drive. The applicant proposes to construct a two-story, brick, 3,308-square-foot, single-family detached dwelling with a hip roof. The proposed driveway leads to an attached three-car-garage on the northwestern corner of the dwelling. The primary building entrance is setback into the property approximately 21 feet from the front wall of the garage.
7. **Prince George's County Zoning Ordinance:** The Planning Board finds that the application conforms to the requirements of the R-R Zone, including Section 27-441, Permitted Uses; Section 27-442, Regulations; and site design guidelines contained in Sections 27-283 and 27-274.
 - a. The Planning Board finds that the proposed single-family detached residence is a permitted use and meets the setback, lot size and lot coverage requirements, as follows:

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- (1) The required net lot area is 20,000 square feet. The provided net lot area is 20,072 square feet, which meets this requirement.
- (2) The maximum permitted lot coverage is 25 percent. The proposed lot coverage is 20 percent of the net lot area, which meets this requirement.
- (3) The required front yard setback is 25 feet. The minimum front yard setback is exceeded, and is delineated on the plan.
- (4) The required side yard setbacks are a minimum of eight feet from the property line to the building, and the total of both side yards should be a minimum of 17 feet. The side yard setbacks are demonstrated on the site plan and they meet this requirement.
- (5) The required rear yard setback is 20 feet. The minimum rear yard setback is exceeded, and is delineated on the plan.
- (6) The maximum building height permitted is 35 feet. The site plan indicates that the building will be two stories, and 35 feet in height, which meets this requirement.
- (7) No accessory buildings are indicated on the site plan.

Based on this analysis the Planning Board finds that the subject application conforms to the regulations of the Zoning Ordinance.

- b. The detailed site plan (DSP) is in general conformance with the applicable site design guidelines contained in Sections 27-283 and 27-274. The following discussion is offered:

- (1) In accordance with Section 27-274(a)(7)(A), Grading; grading should be performed to minimize disruption to existing topography and other natural resources on the site. To the extent practicable, grading should minimize environmental impacts.

The submitted detailed site plan indicates that the grading has been designed to minimize impacts of the construction on the existing trees on the site. The plan has been revised to clearly show proposed topography and the proposed tree line. The applicant has reduced the limit of disturbance of the grading to lessen environmental impacts.

8. **2010 Prince George's County Landscape Manual:** The Planning Board finds that the application is subject to Section 4.1 Residential Requirements. The over 20,000-square-foot lot requires 4 major shade trees and 3 ornamental or evergreen trees. The plan indicates that the requirement is to be met through existing plant material. Landscaping provided in accordance with the requirements of the 2010 *Prince George's County Landscape Manual* is required to conform

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to Section 4.9, Sustainable Landscaping Requirements. Section 4.9 requires certain percentages of native plants be provided on-site, along with no invasive plants, and no plants being planted on slopes steeper than three-to-one. A Section 4.9 schedule shall be provided on the plan. Based on the information provided, the applicant does not propose the planting of invasive or non-native trees; therefore, conformance with the requirements of Section 4.9 may be found.

As the site is located within the Chesapeake Bay Critical Area (CBCA), the Planning Board finds that the removal of existing vegetation, including invasive species, is discouraged. For this reason, removal of invasive species in accordance with Section 1.5, Certification of Installation of Plant Materials is not required.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board finds that the project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO), because the entire site is within the Chesapeake Bay Critical Area (CBCA). A Letter of Exemption from the WCO will be issued.
10. **Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage (TCC) Ordinance became effective on September 1, 2010. Since the entire subject property is located within the Chesapeake Bay Critical Area, the Planning Board finds that the site is exempt from the TCC Ordinance in accordance with 25-127 (b)(1)(E).
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Permit Review**—The Permit Review Section provided an evaluation of the subject detailed site plan, and the Planning Board adopts the following:
 - (1) All plan revisions not previously addressed by the applicant shall be provided prior to signature approval of the detailed site plan.
 - (2) Per Section 27-442 of the Zoning Ordinance, the applicant shall provide a house template demonstrating the dimensions of the structure and dimensions of any and all bump-outs. If the front stoop has a roof then the plan shall include its dimensions and count this area towards lot coverage calculation. The plan shall also include the building height, number car garage, setbacks and distance of dwelling to each property line and right-of-way from the furthest bump-out. The plan shall identify and provide dimensions of the deck at the rear.
 - b. **Historic Preservation**—The Planning Board finds that the subject application will have no effect on identified Historic Sites, Resources, or Districts.
 - c. **Archaeology**—The Planning Board finds that a Phase I archeological survey is not required on the above-referenced 0.46-acre property located at 12308 Firth of Tae Drive in

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Fort Washington, Maryland. The application proposes a 3,308-square-foot single-family residence located in the Chesapeake Bay Critical Area. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A 1968 aerial photograph indicates the property was graded at that time. This proposal will not impact any known historic sites, historic resources, documented properties or archeological sites.

- d. **Washington Suburban Sanitary Commission (WSSC)**—In comments dated January 4, 2013, WSSC provided an evaluation of the subject proposal, summarized as follows:
- (1) The Water House Connection (WHC) shown to Swan Creek Road will probably not be approved because a WHC can be made to Firth of Tae Drive. Show the WHC to Firth of Tae Dr.
 - (2) The proposed alignment for the Sewer House Connection (SHC) will require a revised non-abutting connection review from WSSC. The previously approved non-abutting connection was for a different alignment connecting to Moyer Ct.
 - (3) Align service connections to avoid environmental, storm water management facilities, ESD, devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance.
 - (4) If elevations do not allow a gravity sewer connection, an ejector or grinder pump and pressure sewer connection will be required for sewer service.

The site plan shows water and sewer connections to Swan Creek Road. The Planning Board adopts the following reasons for this connection in the location shown on the DSP: (1) the easement cannot be secured with property owner of Lot 7; (2) the cost to construct the short sewer extension line from its terminus at Moyer Ct. and Firth of Tae Dr. to serve the property is cost prohibitive to the applicant; and (3) the owner of 1108 Swan Creek Road has signed the easement that is pending registration.

The Planning Board also finds that the final decision for the location of the sewer connection is under the jurisdiction of WSSC.

- e. **The Department of Public Works and Transportation (DPW&T)**—In comments dated January 7, 2013, DPW&T provided an evaluation of the subject proposal, summarized as follows:
- (1) The proposed site development is consistent with the approved Stormwater Concept and Technical Plan 31182-2005-01 dated October 1, 2012.

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- (2) The plantings in the conservation area must be bonded and the fee-in-lieu must be paid prior to permit issuance. The plans should be revised to show any proposed mitigation planting on the lot and off site mitigation plan details.
 - (3) The Conservation Easement. Conservation Planting Agreements must be recorded prior to permit issuance.
- f. **Prince George's County Health Department**—In a memorandum dated January 4, 2013, (Wise to Fields), the Health Department stated that the Environmental Engineering Program of the Prince George's County Health Department had completed a health impact assessment review of the subject DSP and has no comments or recommendations.
12. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the Planning Board finds that the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
13. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board should also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5) of the Subdivision Regulations. The site contains no regulated environmental features; therefore, this finding is not applicable.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-90076/04, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan, the following revisions shall be made, or information shall be provided:
 - a. Label the garage, house, and deck within the provided house template.
 - b. Identify the materials of the proposed deck.
 - c. Provide a completed schedule in conformance with Section 4.9 of the 2010 *Prince George's County Landscape Manual* on the plan.
 - d. Provide a planting schedule for the proposed plant material that includes the species, height, and planting unit (container or balled and burlapped).

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- c. The provided Section 4.1 schedule shall be revised to indicate the existing and proposed plant material provided to meet the requirements of this section.
2. The DSP shall conform to the approved Conservation Plan (CP-89039-11) and any amendment thereof.

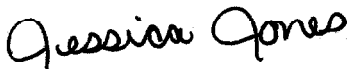
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo opposing the motion at its regular meeting held on Thursday, June 6, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of June 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPFC Legal Department
Date 6/19/13